

REMARKS/ARGUMENTS

Claims 1-10 are canceled.

Claims 11-22 are new.

Support for each new claim is found at the originally filed specification and the claims, as originally filed. Additionally, support for the average particle size of 20 to 100 μm , found at Claims 11 and 21, is found, among other places, at original Claim 6. Support for the analgesics listed at Claim 11 and Claim 22 is found, among other places, at original Claim 5. Support for the calcium carbonate and calcium phosphate carriers of Claims 11 and 21 is found, among other places, at original Claim 9. Support for the term "cancer pain" of Claim 18 is found at page 2, paragraph 2. Support for the term "terminal cancer" of Claim 19 is found at page 2, paragraph 2. Support for the term "cancer of the digestive system" of Claim 20 is found at page 4, paragraph 2.

Upon entry of the amendment, Claims 11-22 will be active.

No new matter is believed to have been added.

Applicants thank Examiners Alstrum-Acevedo and Pryor for the helpful and courteous interview of October 4, 2006, where amendments to the claims were discussed to overcome the rejections. Specifically, it was discussed that limiting the carrier to calcium phosphate, calcium carbonate, or a combination thereof, and the analgesic to specific analgesics that lack sedative properties, would place the claims in condition for favorable reconsideration.

Favorable reconsideration of the claims is respectfully requested.

The objection to Abstract is believed to be obviated by the amendment to the Abstract contained in this paper.

The objection to Claim 3 is obviated by cancellation of Claim 3.

The indefiniteness rejection of Claims 4 and 9 is obviated by cancellation of these claims.

The 35 U.S.C. 101 rejection of Claim 9 is obviated by cancellation of Claim 9.

The obviousness and double patenting rejections of Claims 1-10 are obviated by cancellation of Claims 1-10.

Claim 11 has been presented which, among other things, limits the carriers of the composition to calcium carbonate, calcium phosphate, or a combination thereof. As described at page 5 of the specification, last paragraph, using carriers other than calcium carbonate / calcium phosphate can produce undesirable side effects such as excessive stimulation of the nasal mucosa. Page 11, second paragraph, of the specification describes that calcium carbonate and calcium phosphate, as carriers, advantageously result in little stimulation of the nasal mucosa.

US 5,603,943 ('943) lists, at column 3, lines 5-35, lists over 60 possible carriers. There is no teaching or suggestion in '943 of the Applicants' superior result that calcium carbonate and calcium carbonate, as carriers, advantageously produce little stimulation of the nasal mucosa. Based upon this important secondary consideration, Applicants respectfully submit the claims are non-obvious over '943.

Additionally, Claim 11 has been limited to specific opioid analgesics devoid of sedative activity. Applicants respectfully note that Claim 14 of '943 describes sedatives but does not describe analgesics. Accordingly, Applicants respectfully submit the claims are non-obvious over '943, and that the inventions are patentably distinct.

Applicants submit the application is now in condition for allowance, and kindly request the claims be passed to issue. Early notification to this effect is earnestly solicited.

Application No. 10/519,677
Reply to Office Action of June 15, 2006

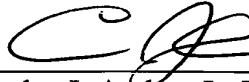
Respectfully submitted,

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